



June 3, 2005

ICEMILLER
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

VIA FACSIMILE

U.S. Patent and Trademark Office
Mail Stop: Petition
Attn: Patricia Faison-Ball
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being transmitted by facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile no. (703) 306-5995 on the date specified below.

June 3, 2005
(Date of Deposit)

Lisa D. Harden
Name of Person Transmitting by Facsimile

Lisa D. Harden
Signature

June 3, 2005
Date of Signature

Re: Request for Reconsideration of Petition Under 37 CFR 1.47(b)
Applicant: Lawler Manufacturing Company, Inc.
Invention: MIXING VALVE
Serial No.: 10/783,502
Our File No.: P00799-US-01 (20680.0001)

Dear Examiner Faison-Ball:

This is in reply to the office communication sent to the Applicant on April 6, 2005, in which the Examiner dismissed Applicant's Rule 47 Petition. In the Examiner's dismissal of the Rule 47 Petition, the reason given for dismissal of the Petition was Applicant's failure to submit an oath or declaration signed by either the inventor or assignee. In response, the Applicant submits a declaration signed by Robert B. Eveleigh, President of Lawler Manufacturing Co., Inc., the sole assignee, in compliance with 37 C.F.R. 1.64.

Additionally, in accordance with the Examiner's suggestion, Applicant hereby submits an amendment to the specification, claiming priority to international application PCT/US02/27056

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as a continuation thereof rather than a nationalization of the PCT application. The Amendment begins on page three.

Amendment to the Specification

Applicant hereby amends the first paragraph of the first page of the specification, beginning on page 1, line 4, replacing it with the following:

This application is a ~~nationalization~~ continuation of and claims the benefit of ~~co-pending~~ PCT Application Number PCT/US02/27056, having International Publication Number WO 03/019315 A1, filed 23 August, 2002, which designated the United States and is now abandoned, which claims the benefit of U.S. Application Serial Number 60/314,803, filed 24 August, 2001.

Applicant believes that it has addressed the concerns presented by the Examiner, and respectfully requests reconsideration of the dismissal. If any further questions regarding this remains, the Examiner is invited to contact the undersigned.

Respectfully submitted,

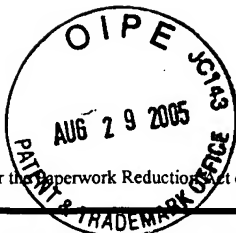
ICE MILLER

A handwritten signature in black ink, appearing to be 'JTP', with a large circular flourish on the left and a long horizontal stroke extending to the right.

Jill Tabor Powlick

JTP/pgf

Enclosures: Signed Declaration and Power of Attorney



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)	<input type="checkbox"/> Declaration Submitted with Initial Filing	OR	<input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)	Attorney Docket Number	P00799-US-01
	First Named Inventor			KLINE, Kevin	
	COMPLETE IF KNOWN				
	Application Number		10/783,502		
	Filing Date		2/20/2004		
	Group Art Unit				
			Examiner Name		

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

THERMOSTATIC MIXING VALVE

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on 2/20/2004

as United States Application Number or PCT International

Application Number

10/783,502

and was amended on (MM/DD/YYYY)

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the practitioners at Customer Number 22446, who are the attorney(s) or agent(s) of the assignee of my invention to prosecute the above-identified application, and to transact all business in the United States Patent and Trademark Office connected therewith.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d), (e) or (f), or 365(b) of any foreign or provisional application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/US/27056	PCT	8/23/2002	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
60/314,803	US	8/24/2001	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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DECLARATION AND POWER OF ATTORNEY Utility or Design Patent ApplicationDirect all correspondence to: ☐ Customer Number OR ☒ Correspondence address belowName **Jill Tabor Powlick**Address **ICE MILLER, One American Square, Box 82001**City **Indianapolis**State **IN**ZIP **46282-0200**Country **USA**Telephone **(317) 236-5972**Fax **(317) 236-4610**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☒ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any))

Kevin B.

Family Name

or Surname **Klein**Inventor's
Signature

Date

Residence: City **Whitefish Bay**State **WI**Country **USA**Citizenship **USA**Mailing Address **Apartment No. 101, 800 East Henry Clay Street**City **Whitefish Bay**State **WI**ZIP **53217**Country **USA**

NAME OF SECOND INVENTOR:

☒ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any))

Family Name

or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

City

State

ZIP

Country

☒ Additional inventors are being named on the ___ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Declaration and Power of Attorney

Inventor Signature Unavailable

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Kevin B. KLINE
FULL NAME OF SOLE OR FIRST JOINT INVENTOR

United States of America (US)
Country of Citizenship

Signature Unavailable
Inventor's Signature

Date

Apartment No. 101, 800 East Henry Clay Street

Whitefish Bay, Wisconsin 53217
Residence and Post Office Address

Name of Sole Assignee

Lawler Manufacturing Co., Inc.
600 East Ohio Street
Indianapolis, Indiana 46204

By: 
Robert B. Eveleigh

6/2/05
Date

Title: 

Assignee hereby signs in place of non-compliant inventor pursuant to 37 CFR 1.64.

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